

REPORT OF HEARING OFFICER AND RECOMMENDED DECISION

TO: LONG BEACH CITY COUNSEL

FROM: VALERIE K. deMARTINO, ESQ. HEARING OFFICER

DATE: JUNE 29, 2004

RE: APPEAL OF PRECISION REFLECTOR DESIGN, INC. OF DENIAL OF BUSINESS LICENCE FOR 1553-1557 AND 1561 COTA, LONG BEACH, CA (District 1)
APPLICATION NOS: 20149991 AND 20332520

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BACKGROUND

Precision Reflector Design, Inc. relocated its Long Beach manufacturing facility two blocks up the street to a leased warehouse. The Building Inspector visited them on March 5, 2002 and instructed them to submit plans within 30 days, noting the areas of concern were the second story, canopy for the compressor, electrical panel, metal racks 20' high and restroom doorknob. This was followed up with an inspection on March 24, 2003, which contained the same list of issues. Precision applied for a business license for the premises known as 1553-1557 Cota, Long Beach, CA on or about June 12, 2003. A subsequent inspection by both the Building and Fire Department on July 8, 2003 revealed a list of several life safety issues which were outlined on the inspection report of that date covering the same building issues as prior notices. The Fire Inspector's report also instructed the applicant to submit plans and obtain approvals, permits and inspections for F-1 manufacturing showing compliance with the fire code. The inspector also found the applicant doing business at

1561 Cota and issued a report stating that the premises was not reasonably fire safe and instructing Precision not to allow employees to work there and to submit plans and obtain approvals, permits and inspections for F-1 manufacturing showing compliance with the fire code. Precision filed an application for business license for 1561 Cota on July 10, 2003 and subsequently attempted to remedy the safety issues.

On August 20, 2003 Precision submitted plans for 1553-1557 Cota. Those plans were marked with corrections and were resubmitted on March 23, 2004. Corrections were issued on March 29, 2004. The plans have not been resubmitted for approval. No plans have been submitted for 1561 Cota. Precision stated they have completed the electrical plan and attempted to submit it but were told it had to be presented as part of the overall plan.

Precision apparently did not understand that changing the use of the warehouse to a manufacturing facility constituted a tenant improvement. Further, they believed because they did not place the existing second story offices and tarp cover they were not responsible for assuring the same was up to code.

Due to the delay in receiving plans for both premises, both the Fire Department (on February 13, 2004) and the Building Department (on March 8, 2004) recommended that the business license applications be denied due to unremedied building and fire code deficiencies. Until this time, Precision was operating under conditional licenses. On March 12, 2004 the City notified Precision that their business license applications would not be approved due to

the outstanding code compliance issues. Precision appealed by letter dated March 25, 2004.

ISSUES

The propriety of the delay in submitting plans as required by both the Fire and Building Departments.

MEDIATION

The matter was set for hearing on June 29, 2004 at 9:00 am at 333 West Ocean Blvd., 11th Floor (Large Conference Room), Long Beach, CA. At that time, Michelle Gardner, Deputy City Attorney, and David Glubok, attorney for Precision, stipulated that the hearing should proceed as a mediation. Therefore, witnesses were not sworn nor was a recording made of the proceedings.

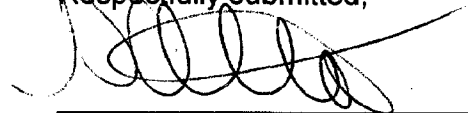
At the mediation, the parties agreed that Precision Reflector would hire an architect to assist them in the plan approval process; that the Fire and Building Departments would inspect their premises on June 30, 2004 for life safety issues, which if any are found, Precision would bring into compliance immediately; that within 30 days after hiring an architect Precision would submit the requested plans; that both the Fire and Building Departments would make inspectors and a plan checker available to meet with the architect, if requested; and that all required compliance issues would be completed no later than 180 days of the City Counsel's approval of the agreement. The parties further agreed that Precision's conditional business licenses would be extended upon payment of all license taxes to date but without additional application fees or submission of a new application pending compliance with the agreement.

RECOMMENDATION

Based on the written Agreement reached by all parties to the Mediation, the original of which is attached hereto, it is recommended that the City Counsel approve the agreement, and allow the two conditional business licenses issued to Precision Reflector Design, Inc. to be extended for an additional 180 days in accordance with Municipal Code Section 3.80.421.1(B).

Dated: 02/29/04

Respectfully submitted,



VALERIE K. deMARTINO

(PROOF OF SERVICE - C.C.P. §§ 1013a and 2015.5)

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, DAPHNE CARROLL-POLLACK, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is The Law Firm of Marc S. Rothenberg, 4326 Atlantic Ave, Long Beach, California 90807-2804. On June 30, 2004, I served the foregoing document described as **REPORT OF HEARING OFFICER AND RECOMMENDED DECISION** on the *Interested Parties* by placing:

- () the original addressed to propounding party (and)
- (X) a true copy thereof enclosed in a sealed envelope addressed as stated
- (X) below () on the attached mailing list.

Michelle Gardner/Cristyl Myers
Deputy City Attorney
333 West Ocean Blvd.
Long Beach, CA 90802

David Glubok
1901 Avenue of the Stars
Suite 1100
Los Angeles, CA 90067

Original to:

Larry Herrera, Long Beach City Clerk
333 West Ocean Blvd.
Long Beach, CA 90802

By mailing as follows: I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid at Long Beach, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on June 30, 2004, at Long Beach, California.

XXXXX (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

_____ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.


DAPHNE CARROLL-POLLACK

6-29-04

Agreement

Reflector Design

It is agreed between Precision ~~Fluorescent~~ and the City of Long Beach, its Fire Dept, Business Licensing Dept and Building Dept (Subject to City Council approval) with respect to Business License Applications 20149991 and 20332520 as follows:

On 6-30-04 the Dept and Bldg Dept will inspect 1553-57 and 15701 Costa, Long Beach for purposes of determining if any life safety issues. Precision will fix any life safety issues immediately. Precision will have 14 days to hire a ^{licensed} architect. The Bldg Dept will make inspectors available to meet with the architect with a plan checker. Precision will have 30 days after hiring the architect to submit required plans. All required work must be completed within 180 days of City Council approval of this agreement. Precision ~~will~~ will be ~~reinstated~~ ^{reinstated} a ~~new~~ ^{both} conditional business licenses without having to pay the fee or submit a new application, but will pay business license tax to date to Business Licensing upon receipt of an invoice.

6-29-04

Signed and agreed to by:

By: Precision Restorator Designs, Inc.
Ray Postinger, Vice President

[Signature]
Hank Kern, Deputy City Marshal

[Signature]
Principal Body Inspector

[Signature]
James A. Goodwin
Business Services Officer

Approved as to form and content:

[Signature]
DAVID GLUSKIN on Page 2 of 2

[Signature]
Michelle Gardner, Deputy
Attorney for City of Long Beach